



**Austin City Code Amendment  
CITY OF AUSTIN  
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.: 16  
AGENDA DATE: Thu 07/29/2004  
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**SUBJECT:** Approve an ordinance repealing and replacing Chapter 13-1 of the City Code relating to Aviation Services; readopting offenses; and providing penalties.

**AMOUNT & SOURCE OF FUNDING:** N/A

**FISCAL NOTE:** N/A

**REQUESTING** Aviation  
**DEPARTMENT:**

**DIRECTOR'S  
AUTHORIZATION:** Jim Smith

**FOR MORE INFORMATION CONTACT:** Charles W. Gates, Director of Finance & Administration - (512) 530-7526

**PRIOR COUNCIL ACTION:** Non-substantive revision of Aviation Code, December 2003

**BOARD AND COMMISSION ACTION:** Recommended by the Austin Airport Advisory Commission.

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This Ordinance will repeal, replace the current City Aviation Code (Chapter 13-1 of the City Code of 2003, formerly Chapter 17-2 of the City Code of 1992), readopt offenses and provide penalties for violation of the Ordinance. The current City Aviation Code underwent a non-substantive revision in December 2003.

Many provisions of the current City Aviation Code to date have been substantively unchanged since at least the City Code of 1981, when the City's airport was located at Robert Mueller Municipal Airport. The proposed recodification adopts a number of changes necessary to conform to current administrative practice, and to comply with changes in applicable aviation law. Certain provisions have been amended to reflect modified security requirements applicable to airports since the events of September 11, 2001.

The draft of this revised Ordinance was made available to the public on the Department of Aviation's (DOA) web page in April 2004 at the request of the Austin Airport Advisory Commission. No public comment has been received by the DOA on this proposed Aviation Ordinance. The Airport Advisory Commission held two hearings on the proposed recodification in April and in May 2004, and recommended it for adoption.

**ORDINANCE NO. 040729-**

**AN ORDINANCE REPEALING AND REPLACING CHAPTER 13-1 OF THE CITY CODE RELATING TO AVIATION SERVICES; READOPTING OFFENSES; AND PROVIDING PENALTIES.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** Chapter 13-1 of the Code is repealed and replaced to read:

**CHAPTER 13-1. AVIATION SERVICES.**

***ARTICLE 1. GENERAL PROVISIONS.***

**§ 13-1-1 DEFINITIONS.**

(A) Undefined terms used in this chapter have the meaning prescribed by applicable aviation law.

(B) In this chapter:

(1) **ACTIVE RUNWAY** means a runway open to air traffic.

(2) **ACROBATIC FLYING** means the operation of an aircraft or action on an aircraft in flight intended to alarm or excite a person by apparent recklessness, showmanship, abrupt changes in altitude, abnormal altitude, speed, acceleration, or difficulty if no emergency exists.

(3) **AIR OPERATIONS AREA** means airport property designed or used primarily for the aircraft landing, taking off, and taxiing, including a runway, taxiway, ramp, apron, and the airport grounds enclosed by security fencing.

(4) **AIR TRAFFIC CONTROLLER** means an agent of the United States government assigned and authorized by applicable aviation law to oversee and control the movements of aircraft in the air and on the ground in the corporate limits of the city or a City contractor that provides air traffic control services.

(5) **AIR TRAFFIC PATTERN** means a pattern of aircraft routes set out by the Federal Aviation Administration and the director to regulate the movements of aircraft approaching or departing from the airport.

- (6) AIRCRAFT means a device that is used or intended to be used for flight in the air.
- (7) AIRPORT means the area of land owned, leased, operated, or under the control of the City and used or intended to be used for aircraft loading, unloading, landing, and taking off, including buildings and facilities.
- (8) AIRPORT EMPLOYEE means a person employed at the airport by the City, a tenant, or a governmental agency.
- (9) AIRPORT OFFICIAL means an employee of the department authorized by the director to enforce this chapter.
- (10) AIRPORT SECURITY PROGRAM means the program required to be adopted by each airport operator under 49 Code of Federal Regulation Part 1542 (*Airport Security*).
- (11) AVIATION LAW means federal, state, and local laws, ordinances, rules, or regulations that regulate or apply to the management, planning, development, financing, operations, and maintenance of an airport, air commerce, air transportation, air safety, or air security, including Title 14 of the Code of Federal Regulations and Title 49 Code of Federal Regulations Chapter XII.
- (12) COURTESY VEHICLE means a motor vehicle operated by a motel, hotel, parking lot, rental car company, limousine service, shuttle bus service, or other off-airport business to transport a person or property to or from the airport.
- (13) COURTESY SERVICE means an off-airport business that uses a courtesy vehicle to transport a person or property to or from the airport, either at no charge or for a fee.
- (14) DEPARTMENT means the Department of Aviation.
- (15) DIRECTOR means the director of the Department of Aviation.
- (16) EMERGENCY VEHICLE means an authorized motor vehicle participating in an emergency response, including a crash, fire, or rescue vehicle, authorized police vehicle, medical services vehicle, department vehicle, or tenant-operated vehicle.
- (17) FEDERAL AVIATION ADMINISTRATION means the agency of the United States government that regulates airport and aircraft operations, or a successor agency.

(18) FLIGHT LINE means an area near a hangar or terminal used to park, service, or move aircraft, including a ramp.

(19) GROUND TRANSPORTATION STAGING AREA means an area designated by the director for the exclusive use of courtesy vehicles and ground transportation vehicles when the vehicles are waiting for space in the ready stand.

(20) GROUND TRANSPORTATION VEHICLE means a ground transportation service vehicle as defined in Section 13-2-1 (*Definitions*) of the Code issued a vehicle permit by the director to operate at the airport, including a taxicab, limousine, airport shuttle service bus, and courtesy vehicle.

(21) MOTOR VEHICLE means a self-propelled vehicle designed to transport persons, property, or equipment, excluding an aircraft.

(22) MOVEMENT AREA means the part of the air operations area designated by the director in which the operator of an aircraft or vehicle is required to maintain contact with the air traffic controller and receive instructions.

(23) OFF-AIRPORT BUSINESS means a commercial enterprise not located at the airport that conducts business at the airport, uses an airport facility, or provides goods or services for payment to an airport tenant or passenger.

(24) OFF-AIRPORT OPERATOR means the owner or operator of an off-airport business.

(25) PARACHUTE means to jump from a flying aircraft with a parachute, glide wings, hang glider, auto-rotation wings, balloon or other device.

(26) PERIMETER means the line defined by buildings and attached fencing enclosing an air operations area as required under the airport security program and applicable federal regulations.

(27) RAMP means the paved ground surface adjacent to a hangar, terminal, or concourse not designated as a taxiway or runway, including a paved aircraft parking area or apron.

(28) READY STAND means the area designated by the director as reserved for the exclusive use of taxicabs, ground transportation vehicles, and other vehicles for hire to pick up passengers.

(29) RESTRICTED AREA means an area of the airport that is not generally open to the public.

(30) RUNWAY means a paved surface designated by the director for use primarily by aircraft accelerating for takeoff and decelerating on landing.

(31) SCREENING LOCATION has the meaning prescribed in 49 Code of Federal Regulations Part 1540.

(32) SECURED AREA has the meaning prescribed in 49 Code of Federal Regulation Part 1540.

(33) SECURITY AND GROUND TRANSPORTATION CONTROLLER means an airport official authorized to enforce the provisions of this chapter that regulate:

(a) motor vehicle stopping, standing, and parking; and

(b) the operation of courtesy vehicles and ground transportation vehicles.

(34) SECURITY IDENTIFICATION DISPLAY AREA has the meaning prescribed in 49 Code of Federal Regulation Part 1540.

(35) STERILE AREA has the meaning prescribed in 49 Code of Federal Regulations Part 1540.

(36) TAXI means the movement of an aircraft under its own power on the ground except during acceleration for takeoff or deceleration on landing.

(37) TAXICAB means a motor vehicle used to provide taxicab service as described in Section 13-2-301 (*Taxi Service Described*) of the Code.

(38) TAXIWAY means a paved surface designated by the director for the movement of aircraft along the ground, excluding aircraft takeoff or landing.

(39) TENANT means a person that has been granted the exclusive or preferential use of an area of the airport by contract with the department.

(40) TRAFFIC means a pedestrian, ridden or herded animal, vehicle, aircraft, or other conveyance moving on the ground on airport property.

(41) TRANSPORTATION SECURITY ADMINISTRATION means the agency of the United States Department of Homeland Security that regulates airport and aircraft security, or successor agency.

(42) VEHICLE PERMIT means a permit issued by the department to authorize and identify motor vehicles to operate on the airport streets and roads or the airport operations area.

*Source: 2003 Code Section 13-1-1; 1992 Code Section 17-2-1.*

**§ 13-1-2 APPLICABILITY OF OTHER LAW.**

This chapter is cumulative of other law, and compliance with this chapter does not excuse compliance with another provision of law, including aviation law.

*Source: new.*

**§ 13-1-3 CREATION AND RESPONSIBILITIES OF DEPARTMENT OF AVIATION**

(A) The Department of Aviation is created.

(B) Subject to available budgeted funds, and in accordance with applicable aviation law, the department shall:

(1) develop, redevelop, supervise, evaluate, manage, police, repair, operate and maintain the City's airports and aviation support property and facilities owned or operated by the City;

(2) plan and implement the further expansion and development of the City's airports, supporting aviation facilities, and air passenger and air cargo service;

(3) provide, or cause to be provided, all services and facilities necessary for the safety and convenience of air carriers, general aviation, the traveling public, and other persons using an airport;

(4) in cooperation with the Federal Aviation Administration and other agencies of the United States and the State of Texas concerned with air transportation, provide for the safe operation and movement of aircraft on the ground at an airport or in the air within the city limits;

(5) implement and enforce regulations imposed by the Transportation Security Administration and other agencies of the United States relating to airport and aviation security at the airport;

(6) apply for and accept airport improvement, noise mitigation, and other grants from the Federal and state governments, and take action as necessary to comply with sponsor assurances made by the City as a condition of receiving the grants;

(7) represent the City in dealings with the Federal Aviation Administration, Transportation Security Administration, the United States Department of Transportation, and other agencies of the United States and the State of Texas concerned with air transportation;

(8) enforce the provisions of this chapter; and

(9) perform other duties and functions as may be lawfully delegated and assigned to the department.

*Source: new.*

**§ 13-1-4 DIRECTOR'S DUTIES.**

(A) The director shall perform the duties and have the authority necessary to carry out the responsibilities of the department under this chapter and applicable aviation law.

(B) The director shall:

(1) control and supervise the department's officers and employees in the performance of their duties;

(2) cause the department to perform its duties under Section 13-1-3 (*Creation and Responsibilities of the Department of Aviation*);

(3) take necessary action to safeguard the public at an airport;

(4) suspend or restrict air operations as necessary to protect public safety, including suspensions due to weather conditions, either directly or through an air traffic controller;

(5) negotiate and execute contracts for the use of the airport or an airport facility, subject to approval by the council if required;

(6) supervise the operation of the airport;

(7) in coordination with airport air traffic control, direct:

(a) the landing, takeoff, taxiing, or parking of aircraft; and

(b) vehicular and pedestrian traffic on the air operations area;

(8) direct and control vehicular and pedestrian traffic at the airport and control ground facilities; and

(9) adopt and enforce rules and regulations necessary:

(a) for the safe, convenient, and efficient management, use, and operation of an airport; or

(b) to establish minimum standards for providers of goods or services to operate on an airport.

*Source: 2003 Code Section 13-1-3; 1992 Code Section 17-2-3.*

**§ 13-1-5 FEES, RATES, AND CHARGES.**

(A) If the council has not established by ordinance a fee for a commercial use of the airport or an airport facility, the director may establish a fee for the commercial use.

(B) The director shall maintain a structure of airport fees, rates, and charges to make the airport as self-sustaining as possible. In establishing a charge under this section, the director shall take into account relevant factors, including the volume of traffic and economy of collection.

(C) The director shall establish a fee for the privilege of landing at the airport by an air carrier that does not have a use and lease agreement, operating permit or similar contract with the City at twice the amount of the landing fee established for air carriers that have a use and lease agreement with the City.

(D) A tenant, off-airport business, or other person may not use or occupy the airport or an airport facility for a commercial purpose unless the person has paid the department a reasonable fee for the privilege.

*Source: 2003 Code Section 13-1-30; 1992 Code Section 17-2-30.*

**§ 13-1-6 FEES FOR USE OF PUBLIC PARKING LOTS AND GARAGES.**

(A) The council may, by separate ordinance, establish the fees and rates charged to the public for the use of parking lots and garages at the airport.

(B) The director may waive or modify the fees and rates established by the council by contract or rule if the director determines that a waiver or modification is necessary to:

(1) avoid financial hardship to a member of the public in an emergency situation;

(2) maximize the efficient use of available parking resources during a holiday or other period of heavy usage, or when parking areas are limited or unavailable due to construction or other causes;

- (3) encourage parking in the garage or surface parking lots for loading or unloading passengers rather than stopping or standing in front of the airport terminal;
- (4) determine patterns and degree of use of the parking facilities to make recommendations to the council regarding future parking rates;
- (5) promote public use of airport parking facilities;
- (6) enhance public convenience, safety, and satisfaction; or
- (7) improve the efficiency of parking facilities or operations.

*Source: 2003 Code Section 13-1-31; 1992 Code Section 17-2-31.*

**§ 13-1-7 COMMERCIAL PARKING AND OFF-AIRPORT PARKING OPERATING AGREEMENTS.**

- (A) The director may by contract authorize, license, and permit a person other than a City employee to install, operate, and maintain parking meters and parking lots at the airport and to collect funds from the parking meters and parking lots.
- (B) Funds collected under this section shall be paid to the department and deposited in the Airport Fund, notwithstanding the provisions of Sections 12-3-12 (*Utility Franchise Metered Parking Permits*), 12-3-13 (*Parking Meter Fee Debit Card*), and 12-3-14 (*Parking Meter Revenue*) of the Code.
- (C) The director shall establish operating agreements with off-airport parking lot operators. The agreements must establish, at a minimum:
  - (1) operating rules, regulations, and procedures to be followed when operating courtesy vehicles at the airport;
  - (2) insurance requirements; and
  - (3) appropriate fees as provided in Section 13-1-161 (*Off-Airport Business Charges and Fees*).

*Source: 2003 Code Section 13-1-31; 1992 Code Section 17-2-31.*

**§ 13-1-8 WILDLIFE HAZARDS.**

The director shall adopt and implement a wildlife hazard management plan to alleviate wildlife hazards to air carrier operations in accordance with Title 14 Code of Federal Regulations Part 139. Notwithstanding any other provision of the Code, a plan

adopted under this section may include, and the director may implement, wildlife control measures consistent with the purpose of the plan.

*Source: 2003 Code Section 13-1-102; 1992 Code Section 17-2-102.*

## **ARTICLE 2. CITY-WIDE AIRCRAFT REGULATION.**

### **§ 13-1-11 CERTIFICATION REQUIRED.**

(A) This section does not apply to a person properly assigned to operate an aircraft by military authority.

(B) A person may not operate an aircraft in or over the corporate limits of the city unless:

(1) the person has an airman's certificate issued by the Federal Aviation Administration; and

(2) the aircraft the person is operating has received a certificate of air worthiness from the Federal Aviation Administration.

(C) The operator of an aircraft in the corporate limits of the city shall deliver the operator's airman's certificate and the aircraft's certificate of air worthiness to a police officer or airport official on demand.

*Source: 2003 Code Section 13-1-4; 1992 Code Section 17-2-4.*

### **§ 13-1-12 AIR TRAFFIC CONTROLLER AUTHORITY.**

(A) A person operating an aircraft in the corporate limits of the city commits an offense if the person does not obey the instructions of the air traffic controller.

(B) Unless otherwise authorized by the air traffic controller, the operator of an aircraft shall conform to the established air traffic patterns, supplemented as necessary for clarification by schematic drawings, maps, or other visual devices.

(C) It is a defense to a prosecution for violation of this section if an emergency exists that would render obedience by the person a greater hazard than the person's disobedience.

*Source: 2003 Code Sections 13-1-93 and 13-1-94; 1992 Code Sections 17-2-93 and 17-2-94.*

### **§ 13-1-13 HAZARDS TO AIR NAVIGATION.**

If requested to do so by an airport official or police officer acting at the direction of

the air traffic controller or the director, a person in the corporate limits of the city must immediately remove a hazard to air navigation, including a kite, balloon, model aircraft, radio-controlled aircraft, or other similar device or object.

*Source: 2003 Code Section 13-1-95; 1992 Code Section 17-2-95.*

**§ 13-1-14 PROHIBITED ACTS.**

(A) In this section, "low-altitude flying" means operating an aircraft at an altitude less than 1,000 feet above the highest obstacle in a horizontal radius of 2,000 feet around the aircraft, except during landing or takeoff.

(B) The operator of an aircraft may not:

- (1) engage in acrobatic flying except as part of a public display authorized by the director and the Federal Aviation Administration;
- (2) engage in low-altitude flying; or
- (3) operate an aircraft in a careless or reckless manner that creates a danger to another person's health or property.

(C) A person commits an offense if the person parachutes from an aircraft over the city unless:

- (1) the jump is made during an emergency; or
- (2) the director has previously approved an application for the jump, accompanied by a certificate of waiver from the Federal Aviation Administration.

(D) A person commits an offense if the person causes or allows an object to be thrown, discharged, or dropped from an aircraft, including ballast, an instrument, tool, baggage, equipment, container, handbill, circular, card, or other object.

(E) Proof of low-altitude flying is prima facie evidence of violation of Subsection (A)(3).

*Source: 2003 Code Sections 13-1-1, 13-1-96, 13-1-97, 13-1-99, and 13-1-100; 1992 Code Sections 17-2-1, 17-2-96, 17-2-97, 17-2-99, and 17-2-100.*

**§ 13-1-15 AUTHORIZED LANDING AREAS.**

Except in an emergency, a person may not land an aircraft in the city except on:

- (1) an airport runway; or
- (2) a privately owned airport runway, a body of water, or a field approved in advance by the director and the director of the Watershed Protection and Development Review Department.

*Source: 2003 Code Section 13-1-101; 1992 Code Section 17-2-101.*

**§ 13-1-16 RESTRICTION ON USE OF AIRCRAFT AT ACCIDENT SCENE OR EMERGENCY LOCATION.**

(A) News media and other non-emergency aircraft, including a helicopter, operating in the vicinity of an accident, disaster, or emergency may not interfere with law enforcement, fire fighting, or rescue efforts.

(B) The operator of an aircraft operating in the vicinity of an accident, disaster, or emergency shall comply with the direction of the on-scene authority or air traffic control.

*Source: 2003 Code Section 17-2-292(Q); 1992 Code Section 17-2-292(Q).*

**§ 13-1-17 AIRCRAFT APPROACH FOR LANDING OR ON TAKEOFF ON A FIELD OR BODY OF WATER.**

(A) A person operating an aircraft may not approach a field or body of water for landing or accelerate and takeoff from a field or body of water unless the landing or takeoff can be made without:

- (1) creating an undue hazard; and
- (2) unreasonably alarming a person present in or near the flight path because of the proximity of the aircraft to a person, vehicle, boat, or structure.

(B) An approach for landing or takeoff is reasonable if it occurs within the limits of a designated glide path designated by the Federal Aviation Administration or the department.

*Source: 2003 Code Section 13-1-98; 1992 Code Section 17-2-98.*

**§ 13-1-18 RESTRICTION ON OPERATION OF AIRCRAFT ON A BODY OF WATER.**

The operator of a seaplane, flying boat, or pontoon equipped helicopter shall comply with this chapter and the requirements of Chapter 8-5 (*Waterway Access and Use*) of the Code while the aircraft is parked, standing or taxiing on a body of water in

the city. In the case of a conflict, the provisions of Chapter 8-5 (*Waterway Access and Use*) prevail.

*Source: 2003 Code Section 13-1-122; 1992 Code Section 17-2-122.*

**§ 13-1-19 HELICOPTER SKIDS.**

The operator of a helicopter with metal skids may not practice touch-down auto-rotations on a paved surface at the airport.

*Source: 2003 Code Section 13-1-27; 1992 Code Section 17-2-27.*

**ARTICLE 3. CITY AIRPORT.**

**Division 1. General Provisions.**

**§ 13-1-31 ACTIVITIES PROHIBITED ON AIRPORT PROPERTY.**

Except as authorized by the director, a person commits an offense if the person is at an airport and:

- (1) sells or offers for sale goods or services;
- (2) solicits business or trade, including baggage handling for a fee;
- (3) posts, distributes, or circulates leaflets, advertisements, or other written matter;
- (4) solicits funds, contributions, alms, or donations;
- (5) demonstrates, pickets, or holds a public gathering or meeting; or
- (6) operates a business or concession, or uses or occupies a facility or area.

*Source: 2003 Code Section 13-1-21; 1992 Code Section 17-2-21.*

**§ 13-1-32 ALCOHOLIC BEVERAGES RESTRICTED.**

A person may not serve or consume an alcoholic beverage at an airport except in an area:

- (1) designated by the director for service or consumption of alcoholic beverages; or

(2) authorized under the Texas Alcoholic Beverages Code.

*Source: 2003 Code Section 13-1-20; 1992 Code Section 17-2-20.*

**§ 13-1-33 RESTRICTIONS ON ANIMALS.**

(A) A person may not enter a terminal building or the air operations area with a dog or other animal, except:

- (1) an animal used by a law enforcement officer in the officer's performance of duties;
- (2) a seeing-eye dog escorting a visually impaired person, or other animal being used for assistance to a disabled person; or
- (3) an animal that is being delivered to, or picked up from, an air carrier for transportation.

(B) A person responsible for an animal being shipped by an air carrier must:

- (1) restrain the animal by a leash or carry the animal in a cage approved for airline use;
- (2) take the animal directly to the air carrier for shipment; and
- (3) remove the animal from the terminal as soon as delivery of the animal is taken from the air carrier.

(C) A person carrying an animal in the secure area or through a screening point onto an aircraft must at all times keep the animal in a cage approved for airline use.

*Source: 2003 Code Section 13-1-26; 1992 Code Section 17-2-26.*

**§ 13-1-34 FIRES RESTRICTED.**

A person may not carry, possess, ignite or cause to be ignited any burning or smoldering object:

- (1) within 50 feet of an aircraft undergoing fueling operations; or
- (2) in an area where a sign restricting fire is posted.

*Source: 2003 Code Section 13-1-54; 1992 Code Section 17-2-54.*

**§ 13-1-35 LOUD DEVICES RESTRICTED.**

Except as approved by the director, a person in a terminal building or on adjacent walk or street may not operate a sound truck, amplifier, or other device that emits a sound that:

- (1) interferes with the ordinary conversation of others; or
- (2) materially interferes with or overrides the audibility of authorized public announcements.

*Source: 2003 Code Section 13-1-22; 192 Code Section 17-2-22.*

### **§ 13-1-36 RESTRICTIONS ON TRASH, GARBAGE, AND REFUSE.**

A person must place, dispose, or deposit trash, garbage, or refuse in approved containers located as authorized by the director at an airport or on an adjacent street or right-of-way.

*Source: 2003 Code Section 13-1-25; 1992 Code Section 17-2-25.*

### **§ 13-1-37 POSSESSION OF WEAPONS PROHIBITED.**

(A) Except as provided in Subsection (B), a person may not possess or carry a firearm, deadly weapon, or an explosive or incendiary device at the airport.

(B) This section does not apply to:

- (1) a peace officer to the extent that the officer is required to carry a firearm or other weapon in the performance of law enforcement duties;
- (2) a person authorized under applicable aviation law or the airport security program to the extent the person is authorized to carry a weapon at the airport;
- (3) a person carrying a concealed handgun in a non-secure area of the airport to the extent the person is authorized by state law; or
- (4) a person shipping an unloaded firearm packaged for shipment and checked as baggage under applicable aviation law, if the person complies with Subsection (C).

(C) A person shipping a firearm must declare the firearm to the aircraft operator at check-in when the package or baggage in which the firearm is packed is presented for shipment.

*Source: new.*

**§ 13-1-38 SMOKING PROHIBITED.**

(A) A person may not smoke in an airport building or in an area of the airport where a sign restricting smoking is posted.

*Source: 2003 Code Section 13-1-54; 1992 Code Section 17-2-54.*

**§ 13-1-39 CONSTRUCTION RESTRICTED.**

(A) Except as provided in Subsection (B), on an airport a person may not:

- (1) alter, install, construct, remove, or demolish a building, hangar, facility, equipment, or improvement; or
- (2) alter, install, or remove electrical wiring or plumbing.

(B) A person may perform construction or repair at an airport if the person obtains:

- (1) the prior written consent of the director; and
- (2) all necessary City permits and licenses, if any.

*Source: 2003 Code Section 13-1-23; 1992 Code Section 17-2-23.*

**§ 13-1-40 RESTRICTION ON SIGNS.**

(A) Except as provided in Subsection (C), this section does not apply to an interior sign in a building, or area of a building, exclusively leased or controlled by an airport tenant.

(B) A person may not erect, install, remove, or alter a sign, billboard, or other advertising medium on an airport, or in a terminal or other airport building or hangar without the prior written consent of the director.

(C) If the director receives a complaint about a sign, the director may require that the owner of the sign remove or alter the sign at the director's discretion.

*Source: 2003 Code Section 13-1-24; 1992 Code Section 17-2-24.*

**Division 2. Security and Safety.**

**Subpart A. General Provisions.**

**§ 13-1-51 AIRPORT POLICE.**

(A) The director shall employ one or more airport police officers. An airport

police officer employed under this division shall be commissioned, appointed, and designated as a peace officer under Article 2.12(12) (*Who are Peace Officers*) of the Texas Code of Criminal Procedure.

(B) An airport police officer shall be assigned as an employee of the department and not as an employee or member of the Police Department. An employee of the airport police division is not entitled to the pension or civil service benefits received by a City police officer.

(C) For purposes of the Texas Transportation Code and for the preservation of the public peace and safety, an airport police officer is in the actual course and scope of the officer's employment if the circumstances authorize police action by a peace officer.

*Source: 2003 Code Section 13-1-40; 1992 Code Section 17-2-40.*

#### **§ 13-1-52 DUTIES OF AIRPORT POLICE OFFICER.**

(A) An airport police officer may enforce federal, state, and local law or regulation at an airport.

(B) Subsection (A) does not limit an airport police officer's City-wide law enforcement authority in the officer's capacity as a peace officer.

*Source: 2003 Code Section 13-1-40; 1992 Code Section 17-2-40.*

#### **§ 13-1-53 OBEDIENCE TO AIRPORT POLICE REQUIRED.**

A person commits an offense if the person recklessly or knowingly does not comply with an order or direction of an airport police officer.

*Source: 2003 Code Section 13-1-41; 1992 Code Section 17-2-41.*

#### **§ 13-1-54 SECURITY GUARDS.**

(A) If the director determines that it is necessary for public safety, the director may require a tenant, aircraft owner, or aircraft operator to provide and maintain one or more security guards. A guard under this section shall perform only the security function specified by the director.

(B) At the request of a tenant, aircraft owner, or aircraft operator, the director may authorize the tenant, aircraft owner, or aircraft operator to employ one or more security guards.

(C) A person may not be employed or act as a security guard at the airport except as authorized by the director or the Transportation Security

Administration.

(D) A person shall obtain the director's advance approval each time a security guard is used.

*Source: 2003 Code Section 13-1-42; 1992 Code Section 17-2-42.*

**§ 13-1-55 CONTROL OF PERSONAL PROPERTY REQUIRED.**

(A) A person must maintain direct physical control and custody of the person's personal property at the airport, except property delivered to an air carrier for shipment, or stored in a location approved by the director.

(B) A person may not recklessly or knowingly abandon property at an airport.

(C) Except as provided under Section 13-2-60 (*Disposition of Abandoned Property*) of the Code, a person who finds lost or abandoned property shall deposit the item with or report it to the airport police.

*Source: 2003 Code Section 13-1-28; 1992 Code Section 17-2-28.*

**§ 13-1-56 REMOVAL OF UNAUTHORIZED PROPERTY.**

(A) The director or an airport official may remove property, including a vehicle or aircraft, from an area of the airport if the property:

(1) is disabled, abandoned, or parked in violation of this chapter, aviation law, or the airport security program; or

(2) creates an obstacle to the safe or orderly operation of the airport.

(B) Removal of property under this section is at the operator's or owner's expense without liability to the City for damage or inconvenience that may result from the movement.

*Source: 2003 Code Section 13-1-29; 1992 Code Section 17-2-29.*

**§ 13-1-57 AIRCRAFT IMPOUND AUTHORIZED; NOTICE.**

(A) An airport official or airport police officer may impound an aircraft that:

(1) the official or officer determines is in violation of this chapter or otherwise unsafe to operate because of a mechanical or equipment defect or deficiency, unless the aircraft is in the process of repair to correct the defect or deficiency; or

(2) the impound is necessary to protect public safety.

(B) The airport official or airport police officer impounding an aircraft shall give the owner or operator written notice:

- (1) of the circumstances of the impoundment;
- (2) that a request for a hearing to determine whether the aircraft should remain impounded must be made to the director not later than the third day after receipt of the notice;
- (3) that the owner of the aircraft is responsible for all impound charges and costs incurred by the City, including the cost to provide notice and storage fees.

(C) An airport official may require the owner or operator of an aircraft to correct any defect before the official releases the aircraft from impoundment.

*Source: 2003 Code Sections 13-1-80, 13-1-81, and 13-1-82; 1992 Code Sections 17-2-80, 17-2-81, and 17-2-82.*

#### **Subpart B. Hazardous Materials and Environmental Protection.**

##### **§ 13-1-71 DEFINITION.**

In this part, "hazardous material" means a substance or chemical designated as a hazardous material under 49 Code of Federal Regulations Section 105.5 (*Definitions*).

*Source: New.*

##### **§ 13-1-72 HAZARDOUS MATERIAL RESTRICTED.**

(A) A person may not store hazardous material at the airport except aircraft fuel in a fuel truck, tender, or fuel storage tank protected by security fencing.

(B) A person may not store or handle hazardous material at an airport, other than aircraft fuel, except as authorized by:

- (1) the director; or
- (2) a City, state, or federal official acting within the scope of the official's duties for reasons of national defense, disaster relief, or public safety.

(C) If a person receives a shipment of hazardous material at an airport, the aircraft containing the hazardous material must be parked in an area designated by the director. The shipper or recipient of hazardous material shall provide the director with information sufficient to allow the hazardous material to be handled safely, including any special handling procedures.

(D) A person may not deliver or attempt to deliver for transport or knowingly participate in the transportation of hazardous material through an airport without written authorization from the director or by an applicable airline tariff.

(E) It is an affirmative defense to prosecution under this section that the hazardous material was delivered and transported under conditions imposed by United States law and regulations governing the transportation of hazardous cargo.

(F) The director shall designate a parking area for ground handling operations relating to hazardous material as far as practical from a building or runway.

(G) The director, the chief of the aircraft rescue and firefighting section, or the senior firefighter on duty may order the removal, destruction, relocation, or transportation of hazardous material when, in the officer's judgment, the action is necessary for the public safety.

*Source: 2003 Code Sections 13-1-50, 13-1-51, 13-1-52, and 13-1-53; 1992 Code Sections 17-2-50, 17-2-51, 17-2-52, and 17-2-53.*

#### **§ 13-1-73 ENVIRONMENTAL PROTECTION.**

An air carrier, tenant, and a contractor, agent, and employee, shall comply with a rule, policy, or procedure adopted by the director intended to protect the environment at the airport, including air and water quality.

*Source: New.*

#### **§ 13-1-74 VIOLATION OF FEDERAL LAW.**

A person who stores, handles, or transports hazardous materials at an airport commits an offense if the person violates federal law or regulation relating to hazardous material or applicable aviation law.

*Source: New.*

### **Subpart C. Air Operations Security.**

#### **§ 13-1-81 AIRPORT SECURITY PROGRAM.**

(A) A tenant and a person who has been issued identification media by the department authorizing access to the security identification display area, air operations area, or sterile area shall comply with the airport security program.

(B) If a penalty is assessed against the City by the Federal Aviation Administration or Transportation Security Administration because a tenant or

person who has been issued identification media has failed to comply with the airport security program, the director shall assess the same penalty against the tenant or person.

(C) A tenant or person shall pay the full amount of a penalty under this section to the director not later than the 10<sup>th</sup> day after the director makes written demand for payment.

*Source: 2003 Code Section 13-1-60; 1992 Code Section 17-2-60.*

**§ 13-1-82 IDENTIFICATION CARD DISPLAY REQUIRED.**

(A) A person may not enter or remain in a security identification display area or air operations area unless an identification media issued to the person by the department is continuously displayed as prescribed by aviation law. A person shall produce the identification on demand of an airport official or a police officer.

(B) A crew member shall be in uniform and wear identification media issued by the air carrier as prescribed by aviation law. Identification must be worn by the crew member to whom it was issued. A crew member who possesses only air carrier issued identification may not escort a visitor into or on the air operations area, security identification display area, a sterile area, or a restricted area.

(C) It is an affirmative defense to prosecution under this section that the person charged is:

- (1) under escort by an authorized person wearing identification media issued by the director;
- (2) an employee of the Federal Aviation Administration carrying a 110A form official identification card issued to the person by the agency;
- (3) an employee of the Transportation Security Administration carrying an official inspector identification card issued to the person by the agency;
- (4) a passenger under authorized supervision within an air operations area, security identification display area, or sterile area for the purpose of enplaning or deplaning; or
- (5) a flight crew or cabin crew member of a United States certified air carrier and is in one of the following portions of the air operations area or security identification display area:

- (a) the immediate vicinity of the aircraft to which the crew members

are assigned;

(b) a flight crew operations or flight office, or its equivalent; or

(c) a point on the most direct route between the door leading to the air operations area or security identification display area and the flight crew's operations or flight office and assigned aircraft.

(D) A person issued an airport identification card, badge, key, vehicle topcap, decal, or other access media shall report the loss or destruction of the media to the airport police immediately on discovery of the loss or destruction. A person may not use or display media that has been reported lost or destroyed, or that was issued to another person.

(E) A person possessing a properly issued identification card may escort a visitor into a secured area, security identification display area, sterile area, or restricted area as prescribed by the airport security program. An escort is responsible for the conduct of, and shall maintain actual control over, a person under escort.

*Source: 2003 Code Section 13-1-61; 1992 Code Section 17-2-61.*

**§ 13-1-83 CIRCUMVENTION OF SCREENING PROHIBITED.**

(A) A person not otherwise exempt under law from the screening process, may not introduce an item, package, object, or device into a sterile area unless the item, package, object, or device has been submitted for screening by an authorized person at a screening location.

(B) A person shall comply with a screening process designed to detect weapons and explosives in compliance with applicable aviation law. A person shall remain at the screening location until all items, packages, objects, or devices introduced by that person into the sterile area have completed the screening process.

(C) A person may not interfere with, assault, threaten, or intimidate screening personnel in the performance of their official duties.

*Source: 2003 Code Section 13-1-62; 1992 Code Section 17-2-62.*

**§ 13-1-84 SECURITY OF DOORS, GATES, WINDOW DEVICES.**

(A) A person may not disengage, disable, or disconnect an alarm on a door, wall, window, or other area if the alarm has been set as authorized by the director or by the tenant exercising contractual or proprietary control of the area.

(B) A person may not enter, remain in, or exit from a door, gate, or window in an air operations area, security identification display area or sterile area unless the person verifies that the door, gate, or window is secured after the person's passage.

(C) A person who sets off a security alarm at a secured door, gate, or window shall promptly report the alarm to the nearest airport official or police officer, or shall remain at the door, gate, or window until an airport official or police officer arrives to investigate the alarm.

*Source: 2003 Code Sections 13-1-63 and 13-1-65; 1992 Code Sections 17-2-63 and 17-2-65.*

**§ 13-1-85 UNAUTHORIZED VEHICLES PROHIBITED.**

A person may not operate or park a vehicle on an air operations area or security identification display area unless:

- (1) the person is authorized to enter the air operations area or security identification display area; and
  - (a) has obtained and displays the required identification medium; and
  - (b) the vehicle has been issued a vehicle permit and displays the identification medium prescribed by the director; or
- (2) the vehicle is escorted by an authorized person.

*Source: 2003 Code Section 13-1-64; 1992 Code Section 17-2-64.*

**Division 3. Aircraft Operation at the Airport.**

**§ 13-1-91 RADIO COMMUNICATIONS REQUIRED.**

(A) The owner or operator of an aircraft arriving, departing, or operating at the airport must equip the aircraft with a functioning two-way radio capable of communication with the air traffic controller.

(B) The pilot of an inbound aircraft must:

- (1) contact the air traffic controller by radio before entering a designated control zone; and
- (2) maintain radio communications with the air traffic controller at all times while operating in a designated control zone.

(C) An operator of an aircraft at the airport:

- (1) must maintain two-way communications by radio with the air traffic controller; and
- (2) may not begin taxiing in the movement area before contacting the air traffic controller by radio and receiving taxi instructions.

*Source: 2003 Code Sections 13-1-90, 13-1-91, 13-1-92, 13-1-115 and 13-1-116; 1992 Code Sections 17-2-90, 17-2-91, 17-2-92, 17-2-115, and 17-2-116.*

**§ 13-1-92 REGULATION OF AIRCRAFT MOVEMENT.**

The operator of an aircraft shall comply with the requirements of Sections 13-1-135 (*Obedience to Flagman Required*), 13-1-136 (*Observance of Movement Controlling Devices or Markings Required*), 13-1-140 (*Right-of-Way Priority*), and 13-1-141 (*Yielding and Passing in the Air Operations Area*).

*Source: 2003 Code Sections 13-1-183, 13-1-184, 13-1-185, 13-1-186, 13-1-187, 13-1-188, 13-1-189, and 13-1-190; 1992 Code Sections 17-2-183, 17-2-184, 17-2-185, 17-2-186, 17-2-187, 17-2-188, 17-2-189, and 17-2-190.*

**§ 13-1-93 RESTRICTIONS ON AIRCRAFT TAXIING.**

(A) The operator of a taxiing aircraft shall:

- (1) maintain due caution to avoid a collision with a person or object;
- (2) operate the aircraft at a safe and reasonable speed; and
- (3) maintain control of the aircraft.

(B) Except as authorized by the air traffic controller, a person may not taxi an aircraft:

- (1) onto a taxiway or runway;
- (2) across a designated pedestrian area; or
- (3) between a parked commercial aircraft and a concourse or boarding gate.

*Source: 2003 Code Sections 13-1-117, 13-1-118, 13-1-119, and 13-1-120; 1992 Code Sections 17-2-117, 17-2-118, 17-2-119, and 17-2-120.*

**§ 13-1-94 OPERATION OF ENGINES RESTRICTED.**

A person may not startup, accelerate, or test the engine of an aircraft:

- (1) except in a place approved by the director; or
- (2) if there is a structure or person in the path of the propeller blast or jet exhaust.

*Source: 2003 Code Section 13-1-121; 1992 Code Section 17-2-121.*

**§ 13-1-95 AIRCRAFT PARKING RESTRICTIONS.**

(A) A person may only park an aircraft at the airport:

- (1) in a designated parking area authorized by the director or the tenant in control of the parking area; and
- (2) in a position that does not hinder the normal movement of other traffic unless specifically authorized by the director or, in the case of an emergency, the air traffic controller.

(B) A person shall remove the ignition key, set the wheel brakes, and chock the wheels of an aircraft before it is left unattended while parked, stopped, or standing.

*Source: 2003 Code Sections 13-1-135, 13-1-136, and 13-1-137; 1992 Code Sections 17-2-135, 17-2-136, and 17-2-137.*

**Division 4. Ground Traffic.**

**Subpart A. General Provisions.**

**§ 13-1-111 TRAFFIC LAWS APPLICABLE.**

Except as otherwise provided in this chapter, state laws regulating pedestrians, motor vehicle operators, passengers, and motor vehicles and Title 12 (*Traffic Regulations*) of the Code apply on airport roads.

*Source: 2003 Code Section 13-1-150; 1992 Code Section 17-2-150.*

**§ 13-1-112 SPEED LIMITS.**

(A) A person may not operate a motor vehicle on a street at the airport at a speed greater than the maximum speed limit established in this section and Section 13-1-137 (*Speed Limit in Air Operations Area*) unless an increased or reduced speed is necessary for safe operation or in compliance with law.

(B) A speed in excess of the limits prescribed in this section is prima facie

evidence that the speed is not reasonable or prudent and that it is unlawful.

(C) The maximum prima facie speed limit is 15 miles per hour at all times on the following streets:

- (1) all Austin Bergstrom International Airport parking lots;
- (2) upper level Presidential Boulevard from 3513 Presidential (commercial lane begins) to 3705 Presidential Boulevard (commercial lane ends);
- (3) lower level Presidential Boulevard from 3509 Presidential (commercial lane begins) to 3701 Presidential Boulevard (commercial lane ends); and
- (4) rental car return (third level parking garage) entrance ramp.

(D) The maximum prima facie speed limit is 20 miles per hour at all times on all parking lot circulation roads.

(E) The maximum prima facie speed limit is 25 miles per hour at all times on the rental car return (third level parking garage) exit ramp.

(F) The maximum prima facie speed limit is 30 miles per hour at all times on the following streets:

- (1) Cargo Avenue;
- (2) Employee Avenue;
- (3) Golf Course Road from State Highway 71 to 10330 Golf Course Road (City of Austin maintenance administrative offices);
- (4) New Airport Drive;
- (5) Presidential Boulevard entrance ramp (New Airport Drive to 2800 Presidential Boulevard);
- (6) Presidential Boulevard from 3325 to 3513 (upper level) and from 3325 to 3509 (lower level);
- (7) Presidential Boulevard upper and lower levels (3705 and 3701 Presidential Boulevard respectively) to surface parking lot exit (South Plaza 3821 Presidential Boulevard);
- (8) Presidential Boulevard return loop running between outbound and

inbound lanes (4019 to 2801 respectively);

(9) Presidential Boulevard exit ramp (3115 Presidential Boulevard);

(10) Presidential Boulevard exit ramp (4010 Presidential to New Airport Drive);

(11) Rental Car Lane;

(12) Service Avenue; and

(13) Spirit of Texas Drive.

(G) The maximum prima facie speed limit is 35 miles per hour at all times along General Aviation Avenue from Bergstrom Avenue to the end of the General Aviation Avenue at airport perimeter gate number W305 (3200 General Aviation Avenue).

(H) The maximum prima facie speed limit is 45 miles per hour at all times along the following streets:

(1) General Aviation Avenue from Burleson Road to Bergstrom Avenue;

(2) Presidential Boulevard from State Highway 71 to 3325 Presidential Boulevard (parallel to the split between the long term parking lot B and express parking entrances); and

(3) Presidential Boulevard from airport parking lot exit (South Plaza 3821 Presidential) to State Highway 71 frontage road.

*Source: 2003 Code Section 13-1-162; 1992 Code Section 17-2-162.*

#### **§ 13-1-113 DRIVING ACROSS CERTAIN AREAS PROHIBITED.**

A person may not drive a motor vehicle on a grass area, sidewalk, or curb unless the person the action is:

(1) authorized by the director;

(2) directed by an airport official or a police officer on duty; or

(3) necessary to service or maintain airport facilities.

*Source: 2003 Code Section 13-1-152; 1992 Code Section 17-2-152.*

#### **§ 13-1-114 BLOCKING ACCESS PROHIBITED.**

A person may not stop, stand, or park a motor vehicle in a position that blocks:

- (1) the entry or exit of a courtesy vehicle or ground transportation vehicle into or out of a ready stand;
- (2) the entrance or exit of a parking lot or driveway; or
- (3) the entrance or exit of the ground transportation staging area.

*Source: 2003 Code Sections 13-1-155 and 13-1-156; 1992 Code Sections 17-2-155 and 17-2-156.*

**§ 13-1-115 PARKING RESTRICTED.**

(A) An airport official may establish areas in which the stopping, standing, or parking of motor vehicles is prohibited or restricted.

(B) A person may not park a motor vehicle in a public area of airport property except:

- (1) at a place and in a manner expressly authorized by the director;
- (2) as directed by a police officer, security and ground transportation controller, or an airport official;
- (3) in compliance with official posted signs or markings; or
- (4) in a marked parking stall at a parking meter with paid time remaining on the meter.

(C) A person may not stop, stand, or park a motor vehicle in a passenger loading zone except to quickly load or unload passengers and baggage.

(D) A person parking a vehicle at the airport shall:

- (1) stop the engine;
- (2) remove the ignition key;
- (3) set the parking brake; and
- (4) if applicable, chock the wheels of a motor vehicle weighing more than 12,000 pounds.

(E) An airport official may tow a motor vehicle parked on airport property in violation of this chapter at the owner or operator's expense.

*Source: 2003 Code Sections 13-1-157, 13-1-16, and 113-1-181; 1992 Code Sections 17-2-157, 17-2-161, and 17-2-181.*

**§ 13-1-116 INTERFERENCE WITH IMPOUNDMENT PROHIBITED.**

A person may not:

- (1) obstruct or use force to interfere with the authorized impoundment of an aircraft or motor vehicle;
- (2) be in, tamper with, damage, operate or open an impounded aircraft or motor vehicle;
- (3) open, cut, damage, or tamper with a lock, chain, cable, fence, gate, or other device used to impound an aircraft or motor vehicle.

*Source: 2003 Code Sections 13-1-158, 13-1-159, and 13-1-160; 1992 Code Sections 17-2-158, 17-2-159, and 17-2-160.*

**§ 13-1-117 IMPROPER USE OF STREETS, SIDEWALKS, OR WALKWAYS PROHIBITED.**

(A) A person may not:

- (1) hinder or obstruct the use of an airport street, sidewalk, or walkway;  
or
- (2) travel outside of an authorized street, sidewalk, or walkway at the airport.

(B) A person may not use roller skates or a skateboard, or ride in or by means of a coaster, toy vehicle, or similar device on an airport street, sidewalk, walkway, terminal, or other airport building.

*Source: 2003 Code Section 13-1-151; 1992 Code Section 17-2-151.*

**§ 13-1-118 VEHICLE PERMIT REQUIRED.**

(A) This section does not apply to an emergency vehicle or vehicle owned and operated by a city, state, or, federal governmental agency.

(B) The director shall establish a vehicle permit system for persons authorized to conduct business activities at the airport. The director may charge an administrative fee to cover the costs of the permit system.

(C) A tenant and off-airport operator must obtain a vehicle permit for each

motor vehicle used to conduct a commercial activity at the airport. A vehicle permit issued under this section is not transferable.

(D) A person may obtain a vehicle permit by:

- (1) completing and submitting a written application, including documentation that the person has obtained each governmentally required license, permit, insurance, safety inspection, or other authorization;
- (2) presenting proof of the automobile liability insurance required by Section 13-1-119 (*Motor Vehicle Insurance Required*); and
- (3) completing the airport driver safety training course approved by the director.

(E) The director may approve an application and issue a vehicle permit after a person submits a complete application.

(F) The operator of a motor vehicle that has been issued a vehicle permit must display evidence of the permit as specified by the director.

(G) A person may only operate a vehicle at the airport in the area designated in a vehicle permit. A person operating a permitted vehicle at the airport shall properly maintain the vehicle.

(H) The director may immediately revoke a vehicle permit, either temporarily or permanently, for a violation of:

- (1) this section;
- (2) a federal, state, or local regulation; or
- (3) an aviation rule, regulation, or policy.

*Source: 2003 Code Section 13-1-230; 1992 Code Section 17-2-230.*

#### **§ 13-1-119 MOTOR VEHICLE INSURANCE REQUIRED.**

(A) The owner or operator of a motor vehicle operating under a vehicle permit issued under Section 13-1-118 (*Vehicle Permit*) must maintain automobile liability insurance on the vehicle in the amounts and coverages determined by the director.

(B) The owner or operator of a permitted motor vehicle shall provide the director with a certificate of insurance documenting the coverage.

(C) If the automobile liability insurance for a permitted motor vehicle is terminated, the director shall automatically cancel the vehicle permit and prohibit the vehicle from operating on airport property.

*Source: 2003 Code Section 13-1-231; 1992 Code Section 17-2-231.*

**Subpart B. Ground Traffic in Air Operations Area.**

**§ 13-1-131 UNAUTHORIZED ACTIVITY ON RUNWAY OR TAXIWAY PROHIBITED.**

Except as authorized by the air traffic controller, a person may not be on an active runway or taxiway.

*Source: 2003 Code Section 13-1-182; 1992 Code Section 17-2-182.*

**§ 13-1-132 RADIO COMMUNICATION REQUIRED.**

Except as otherwise provided in this chapter, a person operating a vehicle on a taxiway or runway shall maintain radio communications with the air traffic controller.

*Source: 2003 Code Section 13-1-179; 1992 Code Section 17-2-179.*

**§ 13-1-133 DRIVER'S LICENSE REQUIRED.**

(A) A person may not operate a motor vehicle in an air operations area unless the person has in the person's possession a driver's license as authorized by the Texas Transportation Code.

(B) A person shall display the person's driver's license on demand by an airport police officer or airport official.

*Source: 2003 Code Section 13-1-177; 1992 Code Section 17-2-177.*

**§ 13-1-134 FAILURE TO OBEY AIR TRAFFIC CONTROLLER PROHIBITED.**

(A) This section does not apply to the operator of an emergency vehicle operating under emergency conditions on a ramp or flight line.

(B) A person operating a vehicle on a taxiway, runway, ramp, or flight line commits an offense if the person does not obey the air traffic controller's instruction.

*Source: 2003 Code Section 13-1-178; 1992 Code Section 17-2-178.*

**§ 13-1-135 OBEDIENCE TO FLAGMAN REQUIRED.**

A person shall obey the signals of an airport employee or flagman posted by a tenant, contractor, or airport official to regulate the movements of a motor vehicle on a ramp unless obedience would create a greater hazard than unregulated movement.

*Source: 2003 Code Section 13-1-185; 1992 Code Section 17-2-185.*

**§ 13-1-136 OBSERVANCE OF MOVEMENT-CONTROLLING DEVICES OR MARKINGS REQUIRED.**

Unless otherwise authorized by the air traffic controller or an airport official, a pedestrian or person operating a motor vehicle shall obey officially installed movement-control devices or markings, including the designation of a walkway, hold-short line, taxi line, stop line, turn line, clearance line and other mark or device in an air operations area.

*Source: 2003 Code Section 13-1-186; 1992 Code Section 17-2-186.*

**§ 13-1-137 SPEED LIMITS IN AIR OPERATIONS AREA.**

(A) Except in compliance with an officially posted speed limit, a person may not operate a motor vehicle on a ramp or flight line at a speed greater than ten miles per hour.

(B) The maximum prima facie speed limit is 30 miles per hour at all times on an airport street in the airport operations area, unless a different speed limit is prescribed by Section 13-1-112 (*Speed Limits*).

(C) A person may not operate a motor vehicle in an air operations area in a careless or reckless manner or at a speed that may endanger an aircraft, person, or property.

*Source: 2003 Code Section 13-1-175; 1992 Code Section 17-2-175.*

**§ 13-1-138 VEHICLE EQUIPMENT SAFETY IN AIR OPERATIONS AREA.**

(A) A person operating a motor vehicle in an air operations area must equip the vehicle with headlights, tail-lights, and brakes that comply with the requirements of the Texas Transportation Code.

(B) A person may not operate a motor vehicle on or across a runway or taxiway at night unless the vehicle has its headlights, taillights or reflectors illuminated.

(C) A person may not operate a motor vehicle equipped with rotating emergency light on or across a runway or taxiway unless the lights are illuminated.

(D) A person may not operate or tow a vehicle unless the vehicle is equipped

with parking brakes designed to prevent the vehicle's movement due to wind, jet blast, or propeller blast.

(E) A person may not operate a vehicle:

- (1) if the driver does not have clear visibility to the front, sides and rear of the driver's position; or
- (2) if the vehicle is built, equipped, loaded, or maintained in a way that creates a danger to a person or property.

(F) A person may not operate a vehicle on a usable taxiway or runway at the airport unless the vehicle has a functioning two-way radio capable of contact with the air traffic controller, unless:

- (1) the vehicle is accompanied by and under the control of another vehicle with functioning two-way radio communications capabilities; or
- (2) operation of the vehicle is specifically authorized by the director by previous arrangement with the air traffic controller.

*Source: 2003 Code Sections 13-1-176 and 13-1-191; 1992 Code Sections 17-2-176 and 17-2-191.*

#### **§ 13-1-139 RESTRICTION ON PARKING NEAR A RUNWAY OR TAXIWAY.**

A person may only park a vehicle adjacent to an active runway or taxiway if the vehicle is:

- (1) parallel to the runway;
- (2) at least 250 feet from the center line of the runway; and
- (3) at least 107 feet from the center line of a taxiway.

*Source: 2003 Code Section 13-1-180; 1992 Code Section 17-2-180.*

#### **§ 13-1-140 RIGHT-OF-WAY PRIORITY.**

The operator of a motor vehicle or aircraft shall have right-of-way in the order of priority as listed below from the highest to the lowest:

- (1) an emergency vehicle operating during emergency conditions;
- (2) an aircraft moving under its own power or being towed;
- (3) an emergency vehicle not engaged in an emergency activity;

- (4) a maintenance and construction vehicle in a construction area designated by the director;
- (5) a fuel tender;
- (6) a motor vehicle operated in support of air carrier operations; and
- (7) a maintenance, administrative, and construction vehicle.

*Source: 2003 Code Section 13-1-183; 1992 Code Section 17-2-183.*

**§ 13-1-141 YIELDING AND PASSING IN THE AIR OPERATIONS AREA.**

- (A) If a person operating a motor vehicle or aircraft within an air operations area approaches a motor vehicle or aircraft of a greater priority, the person may not create a hazard by failing or refusing to yield the right-of-way.
- (B) If two motor vehicles or aircraft are of the same priority, the operator of the motor vehicle or aircraft approaching from the right shall have the right-of-way and the operator approaching from the left shall yield.
- (C) The operator of a motor vehicle or aircraft on approaching courses shall pass or veer to the right.
- (D) If the operator of a motor vehicle or aircraft overtakes another vehicle or aircraft, the operator shall pass to the left of the vehicle or aircraft being passed.
- (E) Except an emergency vehicle operating under emergency conditions, the operator of a vehicle on an intersecting course with a moving aircraft or a vehicle moving across the probable paths of a stopped aircraft with a running engine shall pass to the rear of the aircraft.
- (F) The operator of a motor vehicle or aircraft may not turn, stop, or swerve if the action would create a hazard while the operator is overtaking or passing an aircraft or vehicle or being overtaken or passed by another aircraft or vehicle.

*Source: 2003 Code Sections 13-1-184, 13-1-187, 13-1-188, 13-1-189, and 13-1-190; 1992 Code Sections 17-2-184, 17-2-187, 17-2-188, 17-2-189, and 17-2-190.*

**Division 5. Courtesy Vehicles and Ground Transportation Vehicles.**

**§ 13-1-151 READY STAND USE.**

- (A) Unless directed otherwise by a security and ground transportation controller or airport police officer, the operator of a ground transportation vehicle may only stop, stand, park, load passengers, or wait to be hired in a ready stand or

other designated area.

(B) The driver of a ground transportation vehicle:

- (1) shall remain in the driver's vehicle while waiting in a ready stand; and
- (2) may not solicit passengers at the airport.

(C) A person may not stop, stand, or park a courtesy vehicle or ground transportation vehicle in a ready stand except in strict conformity with stall lines and posted limits for the number of vehicles permitted.

*Source: 2003 Code Sections 13-1-210 and 211; 1992 Code Sections 17-2-210 and 17-2-211.*

#### **§ 13-1-152 GROUND TRANSPORTATION STAGING AREA.**

(A) A person operating a courtesy vehicle or ground transportation vehicle awaiting space in a ready stand shall park in the ground transportation staging area, except as otherwise directed by a security and ground transportation controller or airport police officer.

(B) A person may only stop, stand, or park a courtesy vehicle or ground transportation vehicle in a designated area in the ground transportation staging area.

(C) A person may not stop, stand, or park an unauthorized ground transportation vehicle or courtesy vehicle in the ground transportation staging area.

*Source: 2003 Code Sections 13-1-212 and 13-1-213; 1992 Code Sections 17-2-212 and 17-2-213.*

#### **§ 13-1-153 REMOVAL OF A VEHICLE FROM SERVICE.**

(A) An airport police officer or security and ground transportation controller shall require the driver or operator of an unsafe courtesy vehicle or ground transportation vehicle to remove the vehicle from service.

(B) If a courtesy vehicle or ground transportation vehicle is determined to be unsafe by airport personnel, a person may not operate the vehicle on airport property until:

- (1) the vehicle is accepted as safe by the director; and
- (2) the director notifies the airport police division of the acceptance.

Source: 2003 Code Section 13-1-214; 1992 Code Section 17-2-214.

**§ 13-1-154 AUTHORITY OF SECURITY AND GROUND TRANSPORTATION CONTROLLER.**

- (A) A security and ground transportation controller may not arrest a person.
- (B) A security and ground transportation controller may issue a notice of violation to:
  - (1) the operator of a courtesy vehicle or ground transportation vehicle,
  - (2) a person who stops, stands, or parks a motor vehicle at the airport in violation of this chapter, Chapter 12-5 (*Stopping, Standing, and Parking*) of the Code, or Subchapter G (*Stopping, Standing, and Parking*) of Chapter 545 (*Operation and Movement of Vehicles*) or Chapter 681 (*Privileged Parking*) of the Texas Transportation Code.
- (C) A security and ground transportation controller issuing a notice of violation shall:
  - (1) deliver a copy to the municipal court; and
  - (2) place a copy of the notice prominently displayed on the vehicle;
  - (3) give a copy of the notice to the operator of the vehicle; or
  - (4) mail a copy of the notice to the registered owner.
- (D) A security and ground transportation controller may issue a notice of violation under Chapter 13-2 (*Ground Transportation Passenger Services*) of the Code.
- (E) A notice of violation under this section shall include:
  - (1) the city and state registration numbers of the vehicle;
  - (2) the date, location, approximate time and a description of the violation; and
  - (3) if available, the identity of the operator.

Source: 2003 Code Section 13-1-215; 1992 Code Section 17-2-215.

**§ 13-1-155 COMPLIANCE WITH SECURITY AND GROUND TRANSPORTATION CONTROLLER'S DIRECTIONS REQUIRED.**

- (A) The operator of a courtesy vehicle or ground transportation vehicle shall:
- (1) immediately comply with a security and ground transportation controller's instructions relating to loading, parking, and movement of the vehicle; and
  - (2) permit inspection of the vehicle by a security and ground transportation controller or police officer for compliance with Chapter 13-2 (*Ground Transportation Passenger Services*) of the Code if the vehicle is located at the airport.

(B) A person operating a motor vehicle at the airport shall comply with a security and ground transportation controller related to loading, unloading, parking, stopping, and standing at the airport.

*Source: 2003 Code Section 13-1-215; 1992 Code Section 17-2-215.*

**§ 13-1-156 ACCEPTING CREDIT CARD PAYMENTS.**

- (A) This section does not apply to a person operating a courtesy vehicle.
- (B) A person operating a ground transportation vehicle who accepts a credit card in payment of a fare shall display a decal or other non-removable sign on the driver's side window of the vehicle that indicates that credit cards are accepted. A display of the logo of each credit card accepted satisfies the requirements of this section.
- (C) A person operating a ground transportation vehicle displaying the information described in Subsection (B):
- (1) must accept a credit card in payment of a fare; and
  - (2) may not refuse to transport a passenger who may pay a fare with a credit card.

*Source: New.*

**Division 6. Off-Airport Business.**

**§ 13-1-161 PERMIT REQUIRED TO CONDUCT OFF-AIRPORT BUSINESS.**

- (A) A person must obtain a permit from the director to operate an off-airport business at an airport.
- (B) A person shall apply for a permit under this division on the form approved by the director.

*Source: 2003 Code Section 13-1-21(6); 1992 Code Section 17-2-21(6).*

**§ 13-1-162 OFF-AIRPORT BUSINESS CHARGES AND FEES.**

(A) The council shall establish the permit charges and fees for the use of airport facilities and access to the customer market generated by the airport by an off-airport operator by ordinance.

(B) The director may prorate permit fees to establish a convenient calendar cycle for fee payments.

(C) A person shall pay a permit charge or fee authorized under this division to the department.

*Source: 2003 Code Sections 13-1-232 and 13-1-235; 1992 Code Sections 17-2-232 and 17-2-235.*

**§ 13-1-163 OFF-AIRPORT RENTAL CAR BUSINESS.**

(A) The director shall assess an annual permit fee against an off-airport rental car business operator for the use of airport facilities based on the annual gross revenues of the operator, excluding the first \$25,000 of annual gross revenues.

(B) An off-airport rental car business operator shall report to the director the total annual gross revenues derived from a customer picked up at the airport and transported by a courtesy vehicle or other means to an off-airport business location.

(C) Except as provided in Subsection (D), in determining the annual gross revenues of an off-airport rental car business, the director shall make the rebuttable presumption that 95 percent of reported annual gross revenues are generated by the off-airport rental car business and shall reduce the reported gross revenues by five percent before calculating the annual permit fee under this section.

(D) The operator of an off-airport rental car business may furnish auditable proof to the director that the airport-generated gross annual revenues of the business is less than 95 percent of the total annual gross revenue of the business.

(E) An off-airport rental car operator:

(1) may not pick up a customer at the airport in a rental car; and

(2) shall use an authorized courtesy service to pick up a customer.

*Source: 2003 Code Section 13-1-233; 1992 Code Section 17-2-233.*

**§ 13-1-164 OFF-AIRPORT PARKING BUSINESS.**

(A) The operator of an off-airport parking business shall drop off or pick up its customers at the airport using:

- (1) an authorized courtesy service; or
- (2) a properly marked personal vehicle of a handicapped person; and
- (3) a route or a ready stand designated by the director.

(B) Except as provided in Subsection (A)(2), the operator of an off-airport parking business may not transport a customer using off-airport parking services to the airport in the customer's personal vehicle.

*Source: 2003 Code Section 13-1-234; 1992 Code Section 17-2-234.*

**ARTICLE 4. HELIPORTS AND HELICOPTER OPERATIONS.**

**§ 13-1-171 DEFINITIONS.**

(A) Terms not otherwise defined in this article have the meaning prescribed by applicable aviation law, including Federal Aviation Administration Advisory Circular 150/5390-2A (*Heliport Design Guide*).

(B) In this article:

- (1) HELICOPTER means a rotocraft that depends principally on its engine-driven rotors for its horizontal motion.
- (2) HELI-FACILITY means a heliport or a helistop.
- (3) HELIPORT means a building or an area of land or water, including appurtenant facilities, used or intended to be used for helicopter landing and takeoff.
- (4) HELISTOP means a minimally developed facility designed to permit boarding and discharge of passengers or cargo, not equipped with a helicopter maintenance, repair, or storage facility.
- (5) HOSPITAL HELIPORT means a heliport that only serves helicopters engaged in air ambulance service or other hospital related functions.
- (6) NOISE SENSITIVE AREA means the area within a 4,000 foot radius of a school, church, hospital, nursing home, single-family residential area,

or other area identified by the city manager.

(7) OWNER means a person having a legal or equitable interest in a helicopter, a heli-facility, or a helicopter venture.

(8) PRIVATE USE HELIPORT means a heliport that is developed for the exclusive use of its owner and persons authorized by the owner.

(9) PUBLIC USE HELIPORT means a heliport available for use by the general public without the prior approval of the owner or operator.

(10) TEMPORARY HELISTOP means a helistop that is approved for helicopter takeoffs and landings on a temporary basis for an advertising, promotional, educational or community service purpose, or a construction project.

*Source: 2003 Code Section 13-1-291; 1992 Code Section 17-2-291.*

**§ 13-1-172 APPLICABILITY AND EXCEPTION.**

(A) This article applies to a heli-facility and helicopter use from a ground or elevated site in the city at a location outside of an aviation services (AV) district.

(B) This article does not apply to a federal and state government or agency.

*Source: 2003 Code Sections 13-1-290 (B) and (E); 1992 Code Sections 17-2-290(B) and (E).*

**§ 13-1-173 AUTHORITY.**

(A) The director may issue a permit for a heli-facility or authorize a temporary helistop.

(B) The director may adopt rules relating to the operation of a heli-facility under this article.

*Source: new.*

**§ 13-1-174 FEES.**

The council may by separate ordinance establish fees for permits issued by the director under this article.

*Source: 2003 Code Section 13-1-293(A)(2)(b); 1992 Code Section 17-2-293(A)(2)(b).*

**§ 13-1-175 HELIPORT IDENTIFICATION NUMBER.**

(A) The Watershed Protection and Development Review Department shall provide a permittee with a City heliport identification number.

(B) At the request of a governmental agency, the Watershed Protection and Development Review Department shall provide a map identifying each heli-facility in the city by type, location, identification number, and name of the owner or operator.

(C) The owner or operator of a heliport shall display the City heliport identification number as required by Section 13-1-185 (*Heli-facility Standards and Marking*)

*Source: 2003 Code Section 13-1-292(K)(1); 1992 Code Section 17-2-292(K)(1).*

**§ 13-1-176 ZONING RESTRICTIONS.**

(A) Except as provided in Subsection (B), the director may not issue a permit to or authorize a heli-facility in a residential base district as described in Division 2 (*Residential Base Districts*), Article 2 (*Zoning Districts*) of Chapter 25-2 (*Zoning*).

(B) The director may issue a permit to a hospital heliport or authorize a temporary helistop on a construction site in a zoning district listed in Subsection (A).

*Source: 2003 Code Section 13-1-292(D); 1992 Code Section 17-2-292(D).*

**§ 13-1-177 HELI-FACILITY SITE PRIORITIZATION.**

The director shall apply the following priority ranking in approval of a heli-facility site:

- (1) a hospital heliport and other heliport intended for emergency use by a fire department or law enforcement agency;
- (2) a public use heliport; and
- (3) a private use heliport.

*Source: 2003 Code Section 13-1-292(J); 1992 Code, § 17-2-292(J).*

**§ 13-1-178 HELI-FACILITY PERMIT OR AUTHORIZATION REQUIRED.**

(A) Except as provided in Subsection (B), to establish or operate a heli-facility in the city, a person must obtain:

(1) a permit from the director; and

(2) a conditional use permit as required by Section 25-2-861 (*Facilities for Helicopters and Other Nonfixed Wing Aircraft*) of the Code.

(B) A person who wants to operate a temporary helistop may apply to the director for written authorization to operate.

(C) A permit or authorization issued under this article is non-transferable.

*Source: 2003 Code Sections 13-1-290(D) and 13-1-292(G)(2); 1992 Code Sections 17-2-290(D) and 17-2-292(G).*

**§ 13-1-179 EMERGENCY EXCEPTION TO PERMIT REQUIREMENT.**

(A) At the scene of an accident, disaster, or emergency, authorized on-scene City personnel may authorize a helicopter to operate at an adjacent un-permitted location for medical, fire, or police purposes.

(B) A permit is not required for an unprepared site at or near the scene of an accident or similar medical emergency on which a helicopter may land to pick up a patient to provide emergency medical transport.

(C) A permit is not required to land a helicopter engaged in firefighting or an emergency evacuation operation on a clear area on the roof of a tall building not designed as a heliport.

*Source: 2003 Code Section 13-1-292(P) and (Q); 1992 Code, § 17-2-292(P) and (Q).*

**§ 13-1-180 APPLICATION REQUIREMENTS FOR PERMANENT HELI-FACILITY.**

(A) This section does not apply to an application for a temporary helistop.

(B) An application for a heli-facility shall include:

(1) proof of insurance as required by Section 13-1-184 (*Insurance Required; Termination*);

(2) a description of the location, type, and intended use of the heli-facility;

(3) a description of the size, layout, and topographical features of the location of the heli-facility;

(4) the anticipated number of daily operations and hours of operation;

- (5) the type of helicopters expected to use the facility, including the manufacturer, model number, and maximum gross weight;
- (6) a site plan, including:
  - (a) the location, type, and height of security fences, berms, and other noise mitigation and security features;
  - (b) the location and type of firefighting equipment at the site;
  - (c) the location and type of fuel storage facilities at the site;
  - (d) the method of surface preparation or stabilization for the touchdown pad, including material;
  - (e) the locations and type of:
    - (i) perimeter lighting, if required;
    - (ii) site marking; and
    - (iii) wind direction indication equipment;
  - (f) each obstruction penetrating the heli-facility's imaginary surfaces as identified in 14 Code of Federal Regulation Part 77 (*Objects Affecting Navigable Airspace*);
- (7) a Federal Aviation Administration letter of airspace determination;
- (8) a Federal Aviation Administration letter of no objection to the planned approach and departure routes;
- (9) a copy, including attachments, of the following Federal Aviation Administration Forms:
  - (a) 7480-1 (*Notice of Landing Area Proposal*) as prescribed by Federal Aviation Administration Regulation Part 157 (*Notice of Construction, Alteration, Activation, and Deactivation of Airports*); and
  - (b) 7460-1 (*Notice of Proposed Construction or Alteration*) as prescribed by Federal Aviation Administration Regulation Part 77 (*Objects Affecting Navigable Airspace*);
- (10) an aerial photograph or current map scaled at least one inch to every 400 feet, marked to indicate:

- (a) the approach and departure paths; and
- (b) the location of all noise sensitive areas within a radius of 4,000 feet from the proposed site;
- (11) a report indicating the anticipated noise level at the proposed site and compliance with Federal Aviation Administration Advisory Circular 150/5020-1 (*Noise Control and Compatibility Planning for Airports*), except a hospital heliport;
- (12) a certificate of structural compliance, attested to by a registered professional engineer or architect;
- (13) a depiction of the owner's proposed logo, emblem, or identification marking;
- (14) documentation of available motor vehicle parking; and
- (15) additional information required by the director.

*Source: 2003 Code Sections 13-1-292(K) and (M) and 13-1-293(B); 1992 Code Section 17-2-292(K) and (M) and 17-2-293(B).*

**§ 13-1-181 APPLICATION REQUIREMENTS FOR TEMPORARY HELISTOP.**

(A) An application for a temporary helistop shall include:

- (1) proof of insurance required under Section 13-1-184 (*Insurance Required; Termination*);
- (2) a description of the location and intended use of the helistop;
- (3) a description of the size, layout, and topographical features of the proposed helistop;
- (4) the number of anticipated daily operations and hours of operation;
- (5) the types of helicopters expected to use the helistop, including manufacturer, model number, and maximum gross weight;
- (6) an aerial photograph or current map scaled at least one inch to every 400 feet, marked to indicate:
  - (a) the location of the temporary helistop; and
  - (b) each obstruction penetrating the helistop's imaginary surfaces as identified in 14 Code of Federal Regulation Part 77 (*Objects*

*Affecting Navigable Airspace*); and

(7) additional information required by the director.

*Source: new.*

### **§ 13-1-182 DENIAL OF PERMIT.**

The director may deny an original or renewal application for a heli-facility if the director finds that:

(1) the applicant has:

(a) failed to submit a complete application;

(b) been denied a site development permit for the proposed heli-facility; or

(c) been refused a letter of no objection by the Federal Aviation Administration; or

(2) the proposed heli-facility:

(a) presents a material hazard to public health or safety; or

(b) does not comply with applicable aviation law or this article.

(B) The director may deny a renewal application if the director determines that adjacent development makes continued operation of a heli-facility creates a threat to public health or safety.

*Source: 2003 Code Section 13-1-292(N) and (T); 1992 Code Section 17-2-292(N) and (T).*

### **§ 13-1-183 PERMIT OR AUTHORITY TERM AND RENEWAL.**

(A) A heli-facility permit is valid for three years from the date of issuance.

(B) Authorization to operate a temporary helistop is valid for the earlier of:

(1) the duration of the event or construction project; or

(2) 180 days from the date of issuance.

(C) A permittee may renew a heli-facility permit or authorization before the expiration of the existing permit or authorization.

(D) A permittee must file a renewal application including:

- (1) a renewal applicable fee; and
- (2) a certificate that there has been no material change in the information provided in the original permit application; or
- (3) if a material change has occurred, a description of each change.

(E) In this section, "material change" includes a change in:

- (1) the number of operations or hours of operation;
- (2) the type of helicopters using the heli-facility;
- (3) the approach or departure paths to the heli-facility that may constitute a helicopter operation constraint or safety hazard; or
- (4) development near the heli-facility that may affect air or ground access or constitute a hazard under 14 Code of Federal Regulation Part 77 (*Objects Affecting Navigable Airspace*).

*Source: 2003 Code Sections 13-1-292(G) and (S); 1992 Code Sections 17-2-292(G) and (S).*

**§ 13-1-184 INSURANCE REQUIRED; TERMINATION.**

(A) The owner or operator of a heli-facility must maintain a commercial general liability policy with a combined single limit of liability for bodily injury and property damage of not less than \$1,000,000 for each occurrence.

(B) A policy under this section shall:

- (1) name the City as an additional insured;
- (2) indemnify the City from all claims arising out of the operation of the heli-facility, including noise, nuisance, personal injury, death, and property damage;
- (3) not be cancelable before the 30th day after written notice to the director; and
- (4) be issued by an insurance company authorized to do business in the State of Texas.

(C) The owner of a heli-facility shall annually provide the director with a certificate of insurance.

(D) The director may terminate a heli-facility permit if the owner fails to maintain the required insurance.

*Source: 2003 Code Section 13-1-292(C); 1992 Code Section 17-2-292(C).*

**§ 13-1-185 HELI-FACILITY STANDARDS AND MARKING.**

(A) The design, construction and operation of a heli-facility must comply with applicable City building and fire codes and aviation law, including Federal Aviation Administration Advisory Circular 150/5390-2A (*Heliport Design Guide*).

(B) Except as provided in Subsection (C), a heli-facility must be marked as prescribed by Federal Aviation Administration Advisory Circular 150/5390-2A (*Heliport Design Guide*),

(C) Only a public use heliport or hospital heliport may be marked with the letter "H".

(D) A private use heliport shall use an authorized logo, emblem, or other owner identification in the touchdown area that:

- (1) is know to the pilots authorized to use the facility; and
- (2) does not detract from other required markings.

(E) The owner of a heli-facility must mark the lower left corner of the designated final approach and takeoff area as viewed from the primary direction of approach with the City heliport identification number. Each character of the heliport identification number shall be two feet high, composed of a six-inch wide white stripe with a one-inch black border.

*Source: 2003 Code Sections 13-1-292(I) and (K); 1992 Code Sections 17-2-292(I) and (K).*

**§ 13-1-186 NOISE ASSESSMENT GUIDELINES.**

(A) This section does not apply to a hospital heliport.

(B) A heli-facility shall comply with the noise assessment guidelines prescribed by Federal Aviation Administration Advisory Circular 150/5020-1 (*Noise Control and Compatibility Planning for Airports*).

*Source: 2003 Code Section 13-1-292(L); 1992 Code Section 17-2-292(L).*

**§ 13-1-187 INSPECTION AUTHORIZED; DOCUMENTATION OF**

## **STRUCTURAL INTEGRITY.**

(A) The owner or operator of a heli-facility shall permit access to the facility on demand for periodic inspection by City personnel, including Fire Department personnel.

(B) If requested by the director or the Fire Department, the owner or operator of a heli-facility shall submit a certificate of structural compliance attested to by a registered professional engineer documenting the structural integrity of the facility.

(C) The chief of the Fire Department shall conduct a periodic inspection of each heli-facility and submit a copy of an inspection report to the director for review and, if necessary, appropriate action.

*Source: 2003 Code Section 13-1-292(U)(1); 1992 Code Section 17-2-292(U)(1).*

## **§ 13-1-188 MAINTENANCE REQUIRED; TERMINATION.**

(A) The owner or operator of a heli-facility shall maintain the buildings, structures, and ground areas used to store helicopters or related to helicopter use in a safe and sanitary condition.

(B) The owner or operator of a heli-facility shall maintain required equipment and security devices in good working order.

(C) The director may terminate a heli-facility permit or revoke approval of a heli-facility site if the owner or operator fails to properly maintain the facility.

*Source: 2003 Code Section 13-1-292(U)(2); 1992 Code Section 17-2-292(U)(2).*

## **§ 13-1-190 RESTRICTION ON ALTERATIONS TO FACILITY OR OPERATIONS.**

The owner or operator of a heli-facility may not enlarge or modify the design or layout of a heli-facility or make any material change to the operations of a heli-facility without the prior written consent of the director.

*Source: New.*

## **ARTICLE 5. OFFENSES AND PENALTY.**

### **§ 13-1-201 OFFENSES; GENERAL PENALTY.**

A person who violates this chapter or willfully obstructs or prevents compliance with this chapter shall commit an offense punishable as provided in Section 1-1-99 (*Offenses; General Penalty*) of the Code. Each day a violation continues is a separate offense.

*Source: 2003 Code Section 13-1-999; 1992 Code Section 17-2-999.*

**§ 13-1-202 DENIAL OF ACCESS TO AIRPORT.**

(A) In addition to the penalty provided in Section 13-1-201 (*Offenses; General Penalty*), the director may deny use of the airport to a person who:

- (1) violates or otherwise does not comply with this chapter; or
- (2) commits or is about to commit a breach of the peace.

(B) A person commits an offense if the person remains on airport property after receiving notice from an airport police officer or the director to leave the property.

*Source: 2003 Code Section 13-1-5; 1992 Code Section 17-2-5.*

**PART 2.** This ordinance takes effect on August 9, 2004.

**PASSED AND APPROVED**

\_\_\_\_\_  
July 29, 2004

§  
§  
§

\_\_\_\_\_  
Will Wynn  
Mayor

**APPROVED:** \_\_\_\_\_  
David Allan Smith  
City Attorney

**ATTEST:** \_\_\_\_\_  
Shirley A. Brown  
City Clerk

**AUSTIN AIRPORT ADVISORY COMMISSION**  
**Record of Action**

**DATE:** 5/11/2004

**AGENDA ITEM:** 4C – CONSIDER FOR RECOMMENDATION TO COUNCIL –  
 Substantive recodification of Chapter 13-1 of the City Code (Aviation)

**MOTION BY:** Joe Trochta

**SECOND BY:** Cindy Garcia

**MOTION:** Recommend Approval

MEMBER'S NAME	FOR	AGAINST	ABSTAIN	ABSENT
John "Rusty" Allman	X			X
Amanda Cagle	X			
Dr. Floyd Davis	X			
Cindy Garcia	X			
Brad Hughes	X			
Hannah Riddering	X			
Joe Trochta	X			
Michael Voticky				
Phil Williams				X
<b>TOTALS:</b>	<b>For: 7</b>	<b>Against:</b>	<b>Abstain:</b>	<b>Absent: 2</b>

RECORDED BY:

